

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN MARRA,

Plaintiff,

-v-

EQUIFAX, INC.,

Defendant.
----- X

19-cv-8901 (LJL)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

LEWIS J. LIMAN, United States District Judge:

Pro se plaintiff Jonathan Marra brought this action in the Civil Court of the City of New York against Equifax Inc. for “negligence for breaching [his] personal data, breach of the Fair Credit Reporting Act, and harassment from the spam phone calls received since [his] personal data was breached.” (Dkt. No. 1-1 at 2.) On September 25, 2019, Defendant Equifax, Inc. removed the case to federal court. (Dkt. No. 1). The Notice of Removal stated that

this Court has original jurisdiction over this case under 28 U.S.C. § 1331 because it is a civil action arising under the Constitution, laws, or treaties of the United States. Specifically, Plaintiff’s Complaint, on its face, alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”).

(*Id.*) Plaintiff subsequently moved to remand on the ground that his Complaint does not assert a federal claim. (Dkt. Nos. 8, 9). He explained that the “Fair Credit Reporting Act” referenced in his Complaint is the New York State Fair Credit Reporting Act, not the federal one. (*Id.*) Defendant opposes the remand. (Dkt. No. 11.) The matter was referred to Magistrate Judge Wang for a Report and Recommendation. (Dkt. No. 13). The Report and Recommendation (Dkt. No. 16) was docketed on June 16, 2020 and no party filed any objection during the allotted time period.

The Court agrees with Judge Wang’s Report and Recommendation. It is therefore ADOPTED in its entirety. *See also See De Masi v. Countrywide Home Loans, Inc.*, 2009 WL 111598 (S.D.N.Y. Jan. 12, 2009) (adopting report and recommendation finding the same). For the reasons stated in Dkt. No. 16, Plaintiff’s motion to remand is GRANTED.

The Clerk of Court is respectfully directed to take all steps necessary to remand this action and close the case.

SO ORDERED.

Dated: July 9, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge